



New Jersey Department of Children and Families Policy Manual

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Volume:	IV	Out of Home Placement	
Chapter:	C	Adoption	4-5-2010
Subchapter:	1	General	
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Purpose

4-5-2010

Consistent with CP&P policy to secure a permanent adoptive family for a child as early as possible, a child may be placed for adoption with a licensed CP&P resource family before he or she is legally free for adoption. Preadoptive placement, prior to legal clearance, carries the risk of disrupting the adoptive relationship if legal clearance is not obtained. In an effort to promote permanency, the situations in which preadoptive placement may be considered are limited to those outlined in this section.

Before a preadoption placement is made:

- Children and adoptive parents must meet specific eligibility criteria, and
- On the basis of the child's legal circumstances, there is good reason to conclude that the Division will be successful in obtaining termination of parental rights.

Before a "legal risk" preadoptive placement is made, review and approval is required from the DAG assigned to the Local Office and the Local Office Manager. The Assistant Director of the Office of Adoption Operations must review and approve the placement before the Adoption Exchange Unit will seek a home.

Eligibility Criteria for Children

4-5-2010

Once a child's permanency goal becomes adoption, the assigned Worker assesses whether the child would benefit from placement prior to legal clearance. The legal circumstances of the child determine whether a "legal risk" adoptive placement can be made. Use the following criteria, on a case-by-case basis, to determine whether an adoptive placement prior to legal clearance should be made for a specific child:

- The child is a foundling and the initial police investigation reveals no leads to the identity of the legal and/or birth parents.
- The child is a Safe Haven infant (see [CP&P-IV-C-5-100](#), Safe Haven Infants) and the identity of the legal and birth parent(s) is unknown.
- The child's birth parent(s), legal parent(s), adoptive parent(s) or legal guardian has signed CP&P Form [14-86](#) or [14-86\(S\)](#), Surrender of Custody and Consent for Adoption, but legal clearance has not been obtained from the DAG.
- One of the child's legal and/or birth parents signed a surrender and the other parent is deceased, unknown, cannot be located, or has no interest in planning for the child and has no objection to adoption.
- Both the child's legal and/or birth parents are deceased.
- One legal and/or birth parent is deceased and the other is unknown, cannot be located, or is not involved in planning for the child, despite CP&P efforts.
- One or both birth parents have requested placement for the newborn directly from the hospital. If only one birth parent requested adoption placement directly from the hospital, the other birth parent is deceased, unknown, cannot be located, or has no interest in planning for the child, and has no objection to adoption.
- One or both legal and/or birth parents have requested adoption planning and all alternatives, including maintaining the child at home and placement with relatives, have been explored with the parents, and it has been determined that such plans are neither available nor appropriate. The parent understands the implications of placing the child for adoption and will sign the CP&P Form [14-86](#) or [14-86\(S\)](#), Surrender of Custody and Consent for Adoption. If only one parent requested adoption planning, then the other parent must be unknown, deceased, unable to be located, or have no interest in developing his or her own independent plans for the child, although CP&P has attempted to involve him or her.
- One of the child's parents has requested adoption planning and the search for the other parent has not begun or is not complete.
- One or both parents requested adoption planning, but there has been no opportunity to explore all alternatives for the child with them. Based on the case circumstances, adoption placement would be in the child's best interest. In this situation, if only one parent requested adoption planning, the search for the other parent has not begun or is incomplete.

- Termination of parental rights action has been filed or will be filed within 90 days and the DAG anticipates that CP&P will be successful in obtaining guardianship.

Eligibility Criteria for Adoptive Parents

4-5-2010

In order to be considered for the preadoptive placement of a child prior to legal clearance, the adoptive applicant must:

- Be a DCF licensed resource family.

Note: Non-CP&P adoptive applicants are not considered for preadoptive placements. However, in rare situations, the Assistant Director of the Office of Adoptive Operations may give approval for the preadoptive placement of an older hard-to-place child with a licensed non-CP&P family.

- Understand and accept the risks involved in this type of placement and demonstrate a willingness to accept those risks by signing CP&P Form [14-179](#), Preadoptive Family Care Agreement Between the New Jersey Division of Child Protection and Permanency and Preadoptive Parent(s).
- Understand that until legal clearance is obtained, the birth parent(s) retains all rights and responsibilities for the child.
- Cooperate with any court ordered visits between the child and the birth family as well as any testing of the child which may be considered necessary.
- Agree to work toward reunification of the child with his or her birth parent(s), if CP&P is unsuccessful in obtaining legal clearance, or if circumstances develop which lead CP&P to determine that reunification is the most appropriate plan for the child.

If, after considering all the implications, the family will accept the placement of a child prior to legal clearance, the assigned Worker records this information in the Resource Home Study for new adoptive applicants or in the re-evaluation of already licensed families.

When an adoptive applicant family is selected for a "legal risk" placement, inform the adoptive family about the child's legal circumstances.

When to Initiate the Process for Approval of a Preadoptive Placement

4-5-2010

The assigned Worker reviews the case situation for the possibility of preadoptive placement whenever the following circumstances exist, or at the 10th month litigation conference:

- The child's permanency plan is adoption, and
- The child's legal situation appears to meet one of the criteria necessary for preadoptive placement, or
- The family with whom the child is residing does not plan to adopt the child.

Consider Child's Resource Parent for Adoption Placement First 4-5-2010

It is CP&P policy that a child in resource family care be placed as quickly as possible with a family that will adopt him or her, if he or she cannot safely return to the care of his or her birth parents. From the time of placement, the assigned Worker assesses and discusses with the members of the resource family their desire and ability to make a permanent adoption commitment to the child.

If the child's resource family has no desire to adopt, or if, for another reason, adoption placement in the home is not the most appropriate plan for the child (see [CP&P-IV-C-1-800](#)), share the decision with the resource family in writing. Offer to discuss the decision in a personal interview. The decision, whether to rule out adoption by the resource family, must be resolved before preadoptive placement approval is given.

When to Consider a Select Adoption Home for Placement 4-5-2010

The assigned Worker considers preadoptive placement in a select adoption home:

- If the child meets the eligibility criteria for "legal risk" placement;
- The plan is not for the adoption of the child by his or her current foster parent; and
- There is no appropriate home where a sibling has been adopted or is in foster care.

For a child needing a select home placement, it is required that the possibility of a "legal risk" placement be discussed as early as possible but no later than at the 10th month litigation conference. See [CP&P-III-B-2-300](#), Concurrent Permanency Planning, and the Concurrent Planning Handbook .

DAG Review Prior to Preadoptive Placement 4-5-2010

If CP&P decides to seek approval for preadoptive placement, the Worker consults the DAG assigned to the Local Office. The DAG reviews the child's legal situation, to

determine if sufficient proof exists for TPR See [CP&P-IV-C-1-500](#) Termination of Parental Rights (Guardianship)). If this is the case, the DAG prepares a statement authorizing the preadoptive placement, listing the criteria used to make his or her decision.

- **When Preadoptive Placement Approval Is Denied** - If a child has a goal of select home adoption, but preadoptive placement approval is denied by the DAG, the assigned Worker continues to seek placement in a foster home with interest in adoption. If a placement in a foster home with interest in adoption is not found, continue to review the child's case for preadoptive placement approval every 90 days.
- **When Preadoptive Placement Is Approved** - After the DAG approves preadoptive placement, the assigned Worker submits a request for an adoption home selection to the Exchange Unit in the Office of Adoption Operations. Complete and forward to the Exchange Unit:
 - CP&P Form [16-76](#), Special Approval Request (SAR), reviewed and approved by the Local Office Manager;
 - CP&P Form [26-53c](#), Individual and Family Assessment Outline - Adoption, Parts A and B (Child's Summary);
 - CP&P Form [14-177](#), Family Medical History; and
 - An accompanying memo detailing the child's situation, including the continued contact with his or her birth parents and siblings.

NJS Tip: CP&P Forms [16-76](#), [26-53c](#), and [14-177](#) are completed in NJS and may be accessed through the NJS Desktop>Create Case Work >Forms for the CP&P Form [16-76](#), >Adoption for the CP&P Form [26-53c](#), and >Medical/Mental Health for the CP&P Form [14-177](#).

Selection

4-5-2010

Upon receipt of the Child's Summary and medical information, the Exchange Unit matches the child with families who have expressed an interest in accepting a "legal risk" placement.

Note: If court ordered visits are necessary, distance may become an additional consideration in the selection process.

Agreement Between CP&P and Preadoptive Parents

4-5-2010

Once a selection is made, the Exchange Specialist from the Exchange Unit informs the preadoptive parents. See [CP&P-IV-C-10-100](#), Selection Services.

During the pre-placement interview, the assigned Worker and Resource Family Worker explain the child's legal status to the preadoptive family and discuss what must happen before the child will become legally free to be adopted. The Workers reinforce with the preadoptive family the risks involved, explaining in detail each item on the CP&P Form [14-179](#), Pre-adoptive Family Care Agreement between the State of New Jersey, CP&P and Preadoptive Parents. Advise the preadoptive parents of the unique issues and risks related to preadoptive placement.

When all parties agree to the plan, both Workers and the preadoptive parents sign CP&P Form [14-179](#).

Place the child after the agreement is signed. See [CP&P-IV-C-6-100](#) Placement of Children in Adoption Homes.

Adoption Subsidy

4-5-2010

Preadoptive placements are made with adoption as the goal. Prior to placement, the assigned Worker determines if the child is eligible for adoption assistance. If the child is determined to be subsidy eligible, **submit a subsidy request packet to the Office of Adoption Operations for approval. All subsidy requests are reviewed and approved by the Assistant Director of Adoption Operations or his or her designee.** See [CP&P-IV-C-8-100](#), Subsidized Adoption Overview, for subsidy policy and processing.

The following forms and documentation must be Included in the subsidy request:

- CP&P Form [14-220](#), Request for Subsidy Approval Memo Checklist;
- CP&P Form [14-182](#), Application for Subsidized Adoption Payments;
- CP&P Form [14-183](#), Determination of Eligibility for Subsidy;
- Unsigned CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoptive Parents Regarding Subsidy Payments;
- CP&P Form [14-219](#), Basis for Subsidy Eligibility; and
- A current rate assessment from NJS. If the child is not yet in the home, complete the rate assessment manually.

See CP&P Form [14-220](#) for more details regarding other forms and documents that may be needed for the request.

After approval is received from Adoption Operations, the CP&P Form [14-184](#) is signed by the adoptive parent(s). Subsidy payments begin when the child is placed in the preadoptive home.

Medical Coverage Provided

4-5-2010

Prior to legal clearance, the preadoptive family cannot cover the child through the family's private medical insurance. To provide medical coverage to meet the child's medical needs, the assigned Worker enrolls or continues the child in the Code 60 Medicaid program under his or her birth name, whether the placement is with or without subsidy.

When Legal Clearance Is Obtained

4-5-2010

When legal clearance is obtained (i.e., all appeals are exhausted), the assigned Worker:

- Informs the adoptive family.
- Prepares the CP&P Form [14-6](#), Consent of Guardian to Adoption, for signature by the Local Office Manager and the Consent package, including updated professional reports (adoption medical and dental evaluations, psychological evaluation, school report, therapy report, supervision reports, etc.).

Where a child was freed via parental Surrender(s) of Custody and DAG Clearance, rather than the guardianship process, use the CP&P Form [14-149](#), Consent of Custodian to Adoption.

The CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoptive Parents Regarding Subsidy Payments, must be signed by all parties, before it is submitted to the Local Office Manager in the Consent package.

- Obtains approval from the Local Office Manager on CP&P Form [14-6](#), Consent of Guardian to Adoption, or CP&P Form [14-149](#), Consent of Custodian to Adoption, in preparation for the finalization of the adoption, six months following the date of the child's placement in the home.

The Local Office Manager must review the CP&P Form [14-184](#) to ensure that it is signed by all parties before consenting to the adoption.

- Closes Medicaid services for non-subsidy eligible children.
- Changes the child's legal status in NJS.

After the Local Office Manager consents to the adoption by signing either CP&P Form [14-6](#) or [14-149](#), the adoptive family's attorney may file a complaint for the child's adoption with the Superior Court, Chancery Division, Family Part.

When the Court Does Not Approve TPR

4-5-2010

When CP&P is not successful in obtaining termination of parental rights, the court may:

- Order that CP&P implement additional efforts towards reunification of the child with his or her birth family, or
- Remand the child home.

If the child is ordered returned to the birth family, the assigned Worker:

- Supports the child, the birth parent(s), and adoptive parent(s) during the transition.
- In free placements, reimburses the adoptive parent(s) at the appropriate foster care rate for the time the child was in the home.
- Informs the adoptive parent(s) of the child's adjustment to his or her biological home.
- Encourages the adoptive parent(s) to offer his or her home for placement, or to provide supportive contact, if the child must be placed again by CP&P.

The assigned Worker adheres to the court order and the time frames mandated by the court.

Relevant NJS Forms and Windows

4-5-2010

- Adoption Window
- Create Case Work Window
- Legal Action Window
- Legal Status Window
- Medicaid Eligibility Determination Window
- Medical/Mental Health Window
- Rate Assessment Window
- CP&P Form [5-8a](#), Resource Family Rate Agreement
- CP&P Form [14-86](#), Surrender of Custody and Consent for Adoption
- CP&P Form [14-177](#), Family Medical History
- CP&P Form [16-76](#), Special Approval Request (SAR)
- CP&P Form [26-53c](#), Individual and Family Assessment Outline - Adoption, Parts A and B, (Child's Summary)

Other Forms

4-5-2010

- CP&P Form [5-8](#), Resource Family Rate Assessment
- CP&P Form [14-6](#), Consent of Guardian to Adoption
- CP&P Form [14-149](#), Consent of Custodian to Adoption
- CP&P Form [14-179](#), Preadoptive Family Care Agreement Between the New Jersey Division of Child Protection and Permanency and Preadoptive Parent(s)
- CP&P Form [14-220](#), Request for Subsidy Approval Memo Checklist
- CP&P Form [14-182](#), Application for Subsidized Adoption Payments
- CP&P Form [14-183](#), Determination of Eligibility for Subsidy
- CP&P Form [14-184](#), Initial Agreement Between the New Jersey Division of Child Protection and Permanency and Adoptive Parents Regarding Subsidy Payments
- CP&P Form [14-219](#), Basis for Subsidy Eligibility